



#17

Attorney Docket No. LIQ01 003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Wise

Serial No.: 09/855,269

Filed: May 15, 2001

For: MATCHING SYSTEM

Examiner: Naresh Vig

Group Art Unit: 3629

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131**

I, Daniel Wise, state:

1. I am the named inventor of the subject matter described and claimed in the pending claims that are directed to **“classifying the goods according to a pre-selected set of criteria including data relating to buyers that are to be denied access to the goods.”** Prior to the relevant date cited by the Examiner, March 11, 2001, the filing date of U.S. Patent Application Publication No. US2001/0047323 A1, to Schmidt, I conceived and diligently reduced to practice **“classifying the goods according to a pre-selected set of criteria including data relating to buyers that are to be denied access to the goods”** as described and claimed in the above-identified patent application.

2. As evidence of my conception and reduction to practice of the subject invention, attached hereto as Exhibit 1 and Exhibit 2, with dates redacted but having dates of creation before March 11, 2001, are two technical disclosures for the subject invention.

3. Specifically referring to Exhibit 1, the section thereof entitled  
RESTRICTIONS reads as follows:

- Main Page – Add (after “once you are finished”): “We suggest that you limit the amount that you refine each restriction. You will be able to return to this page as many times as you like in order to add additional viewing restrictions to your master list.”
- Type of Company –Add (after “..from seeing this listing”): “We recommend that you begin the process by checking one box only. You will be able to return to this screen later to choose another restriction by Trade Type.”
  - Erase: “you can use more than one” and “you can use the following...”
- Retailers – Erase “Minimum/ Maximum number of stores” and everything from: “(provided you...) to “...further refine your restriction)
- Merchandise –Erase all instruction wording and replace with: “This feature allows you to restrict companies that sell a particular type of merchandise. You may use this feature to further refine the restriction you are currently working on or you may use this feature independently by coming back to it later.”
- Geographical Region –Erase first sentence in the above the line portion and add wording: “This feature allows you to restrict companies from viewing this listing by where they are located. You may use this feature to further refine the restriction you are currently working on or you may use this feature independently by coming back to it later.”
  - then, new paragraph for the rest of the info.
- Company Name –erase wording above the line and replace with: “This feature allows you to restrict viewing access to companies by simply entering their corporate name. It is important to be as accurate as possible when spelling the desired company name. We suggest that this feature is used independently or in conjunction with Geographical Region restrictions.”
  - also: Company Name Withheld should read “Withhold Company Name(s): (use comma to separate)”
- Master Restriction List –erase “this is where...” and replace with “Your Restrictions for this Offering”
  - at the top add: “This section allows you to add the restriction you have just completed, create another restriction, or erase a current restriction.”
  - after Add to List button, write: “click here to add restriction to the list”
  - Define another Restriction button should be called “Create New Restriction” –add beside it “click here to add another restriction”
  - Remove from List –add beside it: “highlight restriction you are deleting, from list above, and click here

4. Specifically regarding Exhibit 2, this document in its entirety provides:

## RESTRICTIONS

You are able to restrict which buyers may see your listing(s) by using General Information such as Type of Company, Product Categories sold, and Geographical Location. You may also restrict certain buyers by simply typing the Name of the Company(s) you wish to restrict.

You may select as many options as you wish and in any combination you would like. However, the more restrictions you impose, the more you will limit the number of bids you will receive on a particular item.

Would you like to restrict which buyers may view this listing? (Y/N)

(if 'yes')

Please make a selection by clicking on one of the options below. You will be able to make another selection once you are finished.

by GENERAL INFORMATION

Type of Company

Product Category

Geographical Region of Company

by NAME OF COMPANY

(if 'GENERAL INFORMATION')

## RESTRICTION 1 –GENERAL INFORMATION

Type of Company

What types of company would you like to restrict from seeing this listing? You may choose more than one.

Retailers

Importers

Exporters

Wholesalers/ Distributors/ Jobbers

Manufacturers

(If seller restricts Retailers, they must answer the next question/ if not retailer –go straight to “Product Types” and “Geographical Location”:

What type of RETAILER would you like to restrict? You may choose more than one:

Mass-Market/ Discounters, Drug Chains, Supermarkets/ Grocery, Specialty, Gift, Warehouse Club, Deep-Discounter, General Merchandiser, All

(If seller chooses mass market/ discounters, and drug chains):

Would you like to further restrict MASS-MARKET/ DISCOUNTERS, and DRUG CHAINS by the Number of Stores they have? (Y/N)

(if ‘yes’):

MASS-MARKET/ DISCOUNTERS with more than 1000 stores may not see this listing. (please fill in number of stores)

DRUG CHAINS with more than 50 stores may not see this listing. (please fill in number of stores)

Product Category

Would you like to further restrict MASS-MARKET/ DISCOUNTERS WITH MORE THAN 1000 STORES and DRUG CHAINS WITH MORE THAN 50 STORES from seeing your listing(s) by the types of products they purchase? (Y/N)

(if ‘yes’, let them select from our list of our categories –they may select more than one/ if ‘no’, go to Geography)

Geographical Location

Would you like to restrict MASS.....MORE THAN 50 STORES by the geographical region in which they are located? For Retailers, the question would end, “...in which they’re stores are located?” (Y/N)

(if ‘yes’, provide a list of check boxes: continents, countries, and if US, states and regions –northeast, northwest, southeast, southwest, west coast and east coast)

You have now finished Retail Restrictions. Would you like to go back and make another restriction by Type of Company? (Y/N)

(if ‘yes’ –go back to Type of Company –if they choose any other classification –they would then go directly to Product Category and then Geographical Location –they should continue to be asked if they are finished –if yes –go to master restriction list –they should also always be asked if they want to change anything)

(if they are finished and don't want to make any more changes –go to restriction by name)

You have now finished with the first Restriction Category. You may also restrict actual companies from seeing your listing(s) by entering the name(s) of the company(s) you wish to restrict in the box below. Please use a comma (,) or semicolon (;) to separate your selections.

Do you want to restrict by Name of Company? (Y/N)

(if 'yes' –go to box below/ if 'no' –go to master restriction list)

Master Restriction List

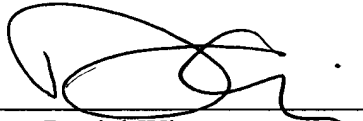
Here are your restrictions:

- No Mass-Market/ Discounter Retailers with more than 1,000 stores in the Northeast
- No Drug Chains Retailers with more than 50 stores
- No Children's Products Retailers
- No Children's Products Wholesalers/ Distributors/ Jobbers
- No Household Items Retailers in England

5. Exhibit 1 and Exhibit 2 thus corroborate my averment that the invention described and claimed in the subject application was conceived and reduced to practice prior to the filing date of the Schmidt reference.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1.22.04  
Date

  
Daniel Wise